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FILED

MAY 17 2011

Board of Vocational Nursing
and Psychiatric Technicians

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN-2007-1675

12 **JOICE E. JONES**
7337 Haskell Avenue, Apt. 13
13 Van Nuys, CA 91406

A C C U S A T I O N

14
15 Vocational Nurse License No. VN 139554

16
17 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
22 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
23 Technicians (Board), Department of Consumer Affairs.

24 2. On or about February 24, 1988, the Board issued Vocational Nurse License Number
25 VN 139554 to Joice E. Jones ("Respondent"). Respondent's vocational nurse license was in full
26 force and effect at all times relevant to the charges brought herein and will expire on December
27 31, 2011, unless renewed.

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1 license suspended or revoked, or may decline to issue a license, when the time for appeal has
2 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
3 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
4 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
5 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
6 accusation, information or indictment.

7 7. Code section 490, subdivision (a), states:

8 In addition to any other action that a board is permitted to take against a licensee, a board
9 may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if
10 the crime is substantially related to the qualifications, functions, or duties of the business or
11 profession for which the license was issued.

12 8. California Code of Regulations, title 16, section 2521 states, in pertinent part:

13 For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
14 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
15 considered to be substantially related to the qualifications, functions or duties of a licensed
16 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
17 vocational nurse to perform the functions authorized by his license in a manner consistent with
18 the public health, safety, or welfare . . .

19 **COST RECOVERY**

20 9. Code section 125.3 provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licensee found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Convictions)**

3 10. Respondent is subject to disciplinary action pursuant to Code sections 2878,
4 subdivision (f), and 490, subdivision (a), in that she was convicted of crimes which are
5 substantially related to the qualifications, functions, and duties of a licensed vocational nurse, as
6 follows:

7 a. On or about September 20, 2001, in the criminal proceeding titled *People v. Joice E.*
8 *Jones* (Super. Ct. Los Angeles County, 2001, Case No. BA206263), Respondent was convicted
9 by the court on her plea of nolo contendere for violating Welfare and Institutions Code section
10 10980, subdivision (c)(2) (aid by misrepresentation – over \$400, a misdemeanor). The
11 circumstances surrounding the conviction are as follows: On and between February 1, 1998, and
12 July 31, 1999, Respondent unlawfully and by means of false statements, representations,
13 impersonation, or other fraudulent device, obtained or retained aid for persons not entitled
14 thereto, in the amount of \$10,339.

15 b. On or about December 27, 2007, in the criminal proceeding titled *People v. Joice*
16 *Jones* (Super. Ct. Los Angeles County, 2007, Case No. 7PY07842), Respondent was convicted
17 by the court on her plea of nolo contendere for violating Penal Code section 273a, subdivision (a)
18 (child endangerment, a misdemeanor). The circumstances surrounding the conviction are as
19 follows: On or about December 24, 2007, officers with the Los Angeles Police Department
20 received a radio call of an attempted suicide at 7337 Haskell Avenue. Upon arrival, the officers
21 met with Respondent. Respondent stated that her minor daughter (hereinafter “victim”) had
22 attempted suicide, was armed with a knife, and that she had subsequently fled the residence in an
23 unknown direction. Respondent also stated that she lived in the residence alone with the victim.
24 Two of the officers searched the home for the victim. As the officers entered the victim’s upstairs
25 bedroom, they heard someone crying from inside of the bedroom closet. One of the officers
26 ordered the victim to come out and took the victim into custody without incident. The victim was
27 visibly upset and crying, and had scratch marks on the right side of her face, the bridge of her
28 nose, and her right eyelid. The officers observed a black handled steak knife on the floor near the

1 closet. Two of the officers escorted the victim outside of the home. The victim told the officers,
2 in substance, the following: The victim had been sleeping inside of her bedroom when
3 Respondent entered the room and woke her up. Respondent was armed with a steak knife and
4 held it approximately 3 inches from the victim's throat. Respondent was upset that the victim had
5 not retrieved her laundry from the dryer. Respondent stated, "Get your mother fucking laundry
6 from the dryer because someone else has to use it." The victim later barricaded herself inside of
7 her room. A few minutes later, Respondent walked back upstairs and demanded that she open the
8 door. Respondent used an unknown object, possibly a hammer, and broke the door off of the
9 hinges. The victim attempted to push the door back to keep Respondent out of the room, but was
10 unsuccessful. Respondent entered the room, still armed with the knife, and walked towards the
11 victim. The victim attempted to take the knife from Respondent and was able to knock the knife
12 from Respondent's hands and kick it away. A physical altercation ensued in which Respondent
13 knocked the victim to the ground and began to hit her in the face repeatedly with a closed fist
14 while she was on the ground. The victim was able to pin Respondent's hands to her sides.
15 Respondent then stood up and left the room. In fear for her life, the victim then hid in the closet.
16 The Los Angeles Police Department arrived shortly thereafter.

17 c. On or about November 22, 2010, in the criminal proceeding titled *People v. Joice*
18 *Elaine Jones* (Super. Ct. Los Angeles County, 2010, Case No. 0SY01625), Respondent was
19 convicted by the court on her plea of nolo contendere for violating Penal Code section 415,
20 subdivision (2) (maliciously and willfully disturbing another person by loud and unreasonable
21 noise, a misdemeanor). The circumstances surrounding the conviction are as follows: On or
22 about February 28, 2010, Respondent was employed and on duty as an in-home caregiver for a 75
23 year-old wheelchair-bound male patient at the patient's residence. After Respondent asked the
24 patient about some groceries that had just been purchased, the patient told Respondent to "mind
25 (her) own business" and called her a "bitch". Respondent then left the room, but returned a short
26 time later and confronted the patient about the profane name he had just called her. In so doing,
27 Respondent waved her finger at the patient and told the patient never to call her a "bitch", at
28 which time Respondent then immediately proceeded to slap the patient with an open hand across

1 the patient's left cheek. The slap to the patient's face knocked the patient's eyeglasses off his
2 face. The police were immediately called by the patient, and Respondent was arrested that same
3 day for elder abuse.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct - Excessive Force or Mistreatment or Abuse of Patient)**

6 11. Respondent is subject to disciplinary action pursuant to Code section 2878,
7 subdivision (a), (4) in that on or about February 28, 2010, while employed and on duty as a
8 licensed vocational nurse, Respondent became angry with an elderly wheelchair bound patient
9 under her care and proceeded to slap the patient across the patient's face. Complainant hereby
10 incorporates by reference the substance of paragraph 10(c) above as though fully set forth herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct - Dishonest Acts)**

13 12. Respondent is subject to disciplinary action pursuant to Code section 2878,
14 subdivision (j), in that on and between February 1, 1998, and July 31, 1999, Respondent
15 committed acts involving dishonesty while licensed as a vocational nurse. Complainant hereby
16 incorporates by reference the substance of paragraph 10(a) above as though fully set forth herein.

17 **PRAAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
20 issue a decision:

21 1. Revoking or suspending Vocational Nurse License Number VN 139554, issued to
22 Joice E. Jones;

23 2. Ordering Joice E. Jones to pay the Board of Vocational Nursing and Psychiatric
24 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3;

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1 3. Taking such other and further action as deemed necessary and proper.

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3 DATED: May 17, 2011.



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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